

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

METHOD AND APPARATUS FOR THE CONTROL OF A WIRELESS PHONE

the specification of which

(check one) ☒ [X] is attached hereto
☐ [] was filed on _____ as Application Serial No: _____
 and was amended on (if applicable) _____

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119 (a) - (d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)**Priority Claimed**

(NUMBER)	(COUNTRY)	(DAY/MONTH/YEAR FILED)	<input type="checkbox"/> YES	<input type="checkbox"/> NO
(NUMBER)	(COUNTRY)	(DAY/MONTH/YEAR FILED)	<input type="checkbox"/> YES	<input type="checkbox"/> NO

I hereby claim that the benefit under Title 35, United States Code, §120 of any United States application(s) or PCT International application(s) designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

(APPLICATION SERIAL NO.)	(FILING DATE)	(STATUS) (PATENTED, PENDING, ABANDONED)
(APPLICATION SERIAL NO.)	(FILING DATE)	(STATUS) (PATENTED, PENDING, ABANDONED)

If more space is needed for any of the above categories, please continue on an additional form and SIGN.

I HEREBY APPOINT THE FOLLOWING AS MY ATTORNEY OR AGENT(S) WITH FULL POWER OF SUBSTITUTION TO PROSECUTE THIS APPLICATION AND TRANSACT ALL BUSINESS IN THE PATENT OFFICE CONNECTED THEREWITH:

Name	Reg. No.	Name	Reg. No.	Name	Reg. No.
Robert K. Tendler	24,581				

SEND CORRESPONDENCE TO:

NAME	PHONE NO.	STREET	CITY & STATE	ZIP CODE
Robert K. Tendler	(617) 723-7268	65 Atlantic Avenue	Boston, MA	02110

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor: Robert K. Tendler

Inventor's Signature: [Signature] Date: 1/9/01

Residence: Chestnut Hill, Massachusetts Country of Citizenship: U.S.A.

Mailing Address: 19 Lawrence Avenue, Chestnut Hill, Massachusetts 02167

Applicant or Patentee: Robert K. Tendler
Attorney's Docket No.: TT-115
Serial No. or Patent No.: _____
Filed or Issued: On even date herewith
For: METHOD AND APPARATUS FOR THE CONTROL OF A WIRELESS PHONE

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.0 (f) AND 1.27 (C)) - SMALL BUSINESS CONCERN**

I hereby declare that I am

- (☒) the owner of the small business concern identified below
(☐) an official of the small business concern empowered to act on behalf of the concern identified below:

Name of Concern: TENDLER CELLULAR, INC.
Address of Concern: 65 Atlantic Avenue, Boston, Massachusetts 02110

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled METHOD AND APPARATUS FOR THE CONTROL OF A WIRELESS PHONE by inventor(s) Robert K. Tendler described in

- (☒) the specification filed herewith
(☐) application serial no. _____, filed _____
(☐) patent no. _____, issued _____

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9 (d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9 (d) or a nonprofit organization under 37 CFR 1.9 (e). *NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

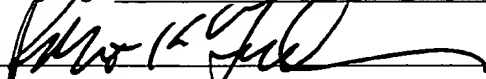
Name: _____
Address: _____
(☐) Individual (☐) Small Business Concern (☐) Nonprofit Organization

Name: _____
Address: _____
(☐) Individual (☐) Small Business Concern (☐) Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28 (b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of person signing: Robert K. Tendler
Title of person signing other than owner: Chairman
Address of person signing: 19 Lawrence Avenue, Chestnut Hill, Massachusetts 02167

Signature:  Date: 1/9/00